

REMARKS

The foregoing amendment amends Claims 12, 16, 18 and 19 to clarify the claimed invention. Claims 2-5, 7, 8 and 11-25 are pending in the application. For the reasons set forth below, Applicant believes that the rejections should be withdrawn and that Claims 2-5, 7, 8 and 11-25 are in condition for allowance.

Neither Hu Nor Johnson Describe or Suggest the Creation of a Video Program Comprised of New Content Based on Data Related to a Selected Condition Received from a Remote Device Via a Network

The Examiner rejected Claims 12-15 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,952,943 to Walsh *et al.* (“Walsh”) in view of U.S. Patent No. 6,744,922 to Walker (“Walker”) and U.S. Publication No. 2004/0120018 to Hu (“Hu”). The Examiner rejected Claims 3, 5, 16 and 17 under 35 U.S.C. 103(a) as being unpatentable over Walker in view of Hu and U.S. Patent No. 6,961,061 to Johnson *et al.* (“Johnson”). The Examiner rejected Claim 18 under 35 U.S.C. 103(a) as being unpatentable over Walker, Hu and Johnson as applied to Claim 16, and further in view of U.S. Publication No. 2004/0010372 to Schwoegler (“Schwoegler”). The Examiner rejected Claims 2 and 4 under 35 U.S.C. 103(a) as being unpatentable over Walker, Hu and Johnson as applied to Claim 16, and further in view of Walsh. The Examiner rejected Claims 7, 8, 11, 19, 23 and 24 under 35 U.S.C. 103(a) as being unpatentable over Johnson in view of Hu and Walker. The Examiner rejected Claims 20-22 under 35 U.S.C. 103(a) as being unpatentable over Johnson, Hu and Walker as applied to Claim 19, and further in view of Schwoegler. The Examiner rejected Claim 25 under 35 U.S.C. 103(a) as being unpatentable over Johnson, Hu and Walker as applied to Claim 19 above, and further in view of Walsh.

Claims 12, 16 and 19

Amended Claim 12 defines a system for creating a video program that includes a plurality of converters, wherein a first converter receives a data input that includes data related to a plurality of conditions and creates a new video segment having new content based on selected data that corresponds to a selected condition and a linear frame buffer for

assembling frames from the first video segment and frames from the new video segment to create the video program, *wherein the frames from the new video segment correspond to the selected condition, and wherein the selected condition is received from a remote device via a network.* (emphasis added). The claim requires the combination of the recently recorded video segment and the recently recorded audio segment with the frames from the new video segment and the new audio segment to create the video program, wherein the frames from the new video segment correspond to a selected condition and the selected condition is received from a remote device via a network.

Amended Claim 16 requires receiving data related to a plurality of conditions and *receiving a request for the video program from a remote device via the network, wherein the request specifies a selected condition, and in response to the request using at least the data related to the selected condition to create a new video segment having new content.* (emphasis added).

Amended Claim 19 requires receiving a plurality of requests from *a plurality of remote devices via a network* for the distinct video programs, *wherein each request specifies a condition* and for each request, *creating the requested video program by using the data relevant to the condition specified to create a new video segment having new content.* (emphasis added).

Independent Claims 12, 16 and 19 require the creation of a video program having new content *based on data related to a selected condition, wherein the selected condition is received from a remote device via a network.*

The Examiner acknowledged that Walsh and Walker fail to disclose using data to create a new video segment having new content, as required by Claims 12, 16 and 19. With respect to the Hu reference the Examiner presented conflicting positions. In regard to Claim 12 the Examiner alleged that Hu discloses creating a new video segment having new content based on received data. *See Office Action*, pg. 4 (citing paragraph [0032], ll. 8-9 of Hu). However, in the same Office Action with regard to Claim 16 the Examiner acknowledged that Hu fails to disclose receiving data related to a condition and using the data to create a new video segment having new content. *See Office Action*, pg. 7. In rejecting Claims 16 and

19 the Examiner alleged that Johnson at column 8, lines 22-26, discloses creating a new video segment having new content based on received data.

Neither Hu nor Johnson disclose or suggest the creation of a video program having new content based on *data related to a selected condition, wherein the selected condition is received from a remote device via a network*. In the present application the specification describes one example of creating a video program where the condition is related to local weather. In this example, an end viewer living in Marietta, Georgia selects a local weather program and in response the device associated with the end viewer via a network requests a video program from the video server. *See Specification, pg. 20*. In this example, the video server determines that Marietta, Georgia is associated with the Atlanta Designated Market Area (“DMA”) and retrieves the appropriate Atlanta on camera meteorologist (OCM) segments. *See Specification, pg. 20*. The video server includes multiple converters or “Screenies” that receive data and/or imagery, such as weather data and Doppler radar inputs, and create a video segment from the data or imagery. *See Specification, pg. 18*.

The video server via its Screenies also obtains the current conditions, forecast and Doppler radar data for Marietta, Georgia (*i.e.*, new video segments) and associates the appropriate audio from the audio system to provide video segments that detail the current local conditions, the current local forecast, and the current Doppler radar. *See Specification, pg. 20-21*. The new video segment corresponds to new content for a local weather forecast. By using audio that features that same OCM that provided the greeting, the recently recorded segments and the new segments (*i.e.*, segments created by the multiple converters based on the *received data related to the selected condition*, such as weather data) can be seamlessly integrated into the newly created program.

Hu discloses a device and method for displaying images and playing back the corresponding audio messages associated with each image. Abstract. Hu describes using a camera to capture an image and the corresponding audio message, printing the captured image along with the corresponding audio message encoded on the back of the printed image, scanning the printed image and lastly playing back the corresponding audio message while displaying the image. *See [0032]*. The section of Hu that the Examiner relied upon in

rejecting Claim 12 describes that the method for displaying and playing back the images with the corresponding audio messages includes “producing an image print from the at least one captured image.” *See* [0032], ll. 8-9. The cited section of Hu does not describe or suggest a converter that receives a data input that includes data related to a plurality of conditions and creates a new video segment having new content based on selected data that corresponds to a selected condition and a linear frame buffer that creates the video program by assembling frames from a first video segment and frames from the new video segment, wherein the frames from the video segment correspond to the selected condition, wherein the selected condition is received from a remote device via a network, as recited by amended Claim 12. Additionally, as noted earlier the Examiner acknowledged in the Office Action with respect to Claim 16 that Hu fails to disclose receiving data related to a selected condition and using the data to create a video program. *See* Office Action, pg. 7.

Johnson discloses a system and method for generating a weather forecast presentation, wherein the presentation may be formed by selecting and combining pre-rendered or pre-recorded video segments based on user selected time period and location parameters and model generated forecast weather data. Abstract. The Johnson system uses pre-rendered or stored video images to generate a dramatic forecast weather video presentation. *See* Col. 2, ll. 19-21.

The section of Johnson relied upon by the Examiner in rejecting Claims 16 and 19 describes that the system includes a “weather forecasting model adapted to generate the forecast weather condition model data for the forecast location for a plurality of forecast intervals throughout the forecast time period as stored in the weather database.” Col. 18, ll. 22-26. The cited section of Johnson does not describe or suggest receiving a *selected condition from a remote device via a network and using data related to the selected condition* to create a new video segment having new content, as required by Claims 16 and 19. As detailed by Johnson, “[b]ased on the selected location of interest, time period of interest, and the forecast conditions for that location and time period, selected ones of the pre-recorded/generated video segments are selected and combined to generate a combined forecast weather video presentation.” Col. 2, ll. 27-31.

Johnson discloses an all-in-one system used by a meteorologist or technician to manually input/select a location, time period and the forecast conditions for that location to generate a weather forecast comprised of pre-recorded/generated video segments. Johnson does not disclose or suggest the *creation of a video program*, comprised of content based on *data related to a selected condition, wherein the selected condition is received from a remote device via a network*. Johnson merely describes the combining of pre-recorded video segments based on forecast weather conditions/data.

Furthermore, amended Claim 19 recites receiving multiple requests from a plurality of remote devices via a network for distinct video programs and creating each of the requested video programs. Each of the requests is associated with a selected condition and data is received that is relevant to the selected condition. The data is used to create a new video segment having new content. The recently recorded video segment and the recently recorded audio segment are combined with the new video segment and the new audio segment to create a distinct video program. Johnson does not describe or suggest receiving multiple requests from a plurality of remote devices via a network for distinct video programs and creating video programs with new content based on the selected conditions, as recited by Claim 19.

Claim 12 recites a plurality of converters, wherein a first converter receives a data input that includes data related to a plurality of conditions and creates a new video segment having new content based on selected data that corresponds to a selected condition, and a linear frame buffer for assembling frames from the first video segment and frames from the new video segment to create the video program, wherein the frames from the new video segment correspond to the selected condition, wherein the selected condition is received from a remote device via a network. Claim 16 recites receiving data related to a plurality of conditions and in response to receiving a request for the video program from a remote device via a network, wherein the request specifies a selected condition using at least the data related to the selected condition to create a new video segment having new content. Claim 19 recites receiving a plurality of requests from a plurality of remote devices via a network for the distinct video programs, wherein each request specifies a condition and for each

request, creating the requested video program by using the data relevant to the condition specified to create a new video segment having new content. Neither Hu nor Johnson describe or suggest the creation of a video program comprised of content based on data related to a selected condition, wherein the selected condition is received from a remote device via a network. Claims 12, 16 and 19 are patentable over Hu, Johnson, Walker and Walsh.

Claims 2-5, 7, 8, 11, 13-15, 17, 18 and 20-25

Claims 2-5, 17 and 18 depend from Claim 16, Claims 7, 8, 11 and 20-25 depend from Claim 19, and Claims 13-15 depend from Claim 12. The remarks made above in connection with the patentability of the independent claims are equally applicable to the dependent claims. In addition, Schwoegler does not describe or suggest the creation of a video program comprised of content based on data related to a selected condition, wherein the selected condition is received from a remote device via a network. Accordingly, Claims 2-5, 7, 8, 11, 13-15, 17, 18 and 20-25 are patentable over Hu, Johnson, Walker, Walsh and Schwoegler.

CONCLUSION

The foregoing is submitted as a complete response to the Office Action identified above. Applicant believes that the application should now be in condition for allowance, and the Applicant solicits a notice to that effect. If there are any issues that can be resolved via a telephone conference, the Examiner is asked to contact the undersigned at 404.685.6799. The Commissioner is authorized to charge any additional fees that may be due or credit any overpayment to Deposit Account No. 11-0855.

Respectfully submitted,

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